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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/835,064

04/13/2001

Giovanni Giuffrida

HRL065

3890

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TOPE-MCKAY & ASSOCIATES
23852 PACIFIC COAST HIGHWAY #311
MALIBU, CA 90265

EXAMINER

KERZHNER, ALEKSANDR

ART UNIT

PAPER NUMBER

2162

MAIL DATE

DELIVERY MODE

06/23/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/835,064	Applicant(s) GIUFFRIDA ET AL.	
	Examiner ALEKSANDR KERZHNER	Art Unit 2162	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 June 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
 5. ☐ Applicant's reply has overcome the following rejection(s): _____.
 6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
 7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
 The status of the claim(s) is (or will be) as follows:
 Claim(s) allowed: _____.
 Claim(s) objected to: _____.
 Claim(s) rejected: _____.
 Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
 12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
 13. ☐ Other: _____.

/John Breene/
Supervisory Patent Examiner, Art Unit 2162

/Aleksandr Kerzhner/
Examiner, Art Unit 2162

Continuation of 11. does NOT place the application in condition for allowance because:

The request for reconsideration has been considered but does NOT place the application in condition for allowance because the arguments were not found to be persuasive as will be discussed below.

Claims 1 and 9:

In response to applicant's argument that "it would not have been obvious to one of ordinary skill in the art at the time of the invention to combine the Copperman patent and the Adamske patent to arrive at the claimed invention, since the intended purpose of the PostScript file in the present application is distinct from that of the Adamske patent. ", the fact that applicant has recognized another advantage which would flow naturally from following the suggestion of the prior art cannot be the basis for patentability when the differences would otherwise be obvious. See Ex parte Obiaya, 227 USPQ 58, 60 (Bd. Pat. App. & Inter. 1985).

Applicant argues that: "In contrast, the present application describes the conversion of electronic documents into PostScript files as an intermediate step towards extracting metadata from the PostScript files and output of the metadata. Specifically, Claims 1 and 9 teach the limitations, "said reasoning element is configured to employ a set of rules to automatically extract metadata from the PostScript files by employing the extracted predetermined information-and the input from the database" and "said reasoning element provides an output of metadata."

Examiner respectfully disagrees. Copperman reference was used to teach all the limitations in order recited. Copperman taught "[t]he process of autocontextualization begins as shown in FIG. 5, by first converting a document in step 505 from any one of several original formats, including Microsoft Word, HTML, and PDF, into a standard, simple format from which the simple, unformatted text of the document is easily extracted." (Col. 12, ll 62-67). Thus Copperman taught the limitations above, except it did not expressly mention that the "standard, simple format" could be the PostScript format. Adamske was only used to teach that PostScript is a standard, simple format. It is immaterial that Adamske prints the document instead of extracting data (though in order to print a document data must be extracted from it), or that it undergoes no further processing (even though it does as it is converted from PostScript into a graphical view format) as Copperman teaches extracting data from a standard, simple format. As such Examiner is not convinced and maintains the rejection.

Claims 17 and 19:

Limitation of "an absolute line counter order for each string of text" as line counter can be read on vertical position as shown in table 1 or a y coordinate as shown in table 2. Claims do not specifically define what is meant by "an absolute line counter order" as any coordinate or relative measurement can broadly be read to represent it.

Limitation of "font metrics of bounding box extensions used to represent the string of text" is taught as in order to classify font metrics as taught in cited paragraphs they must be stored. Claims do not specifically require font metrics to be anything specific as such broadest reasonable interpretation can be used and as such anything that relates to a font measurement would read on the claimed limitation.

/Aleksandr Kerzhner/
Examiner, Art Unit 2162